IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Regular Second Appeal No.941 of 2006

Date of Decision: September 10, 2007

Haryana Vidyut Prasaran Nigam & another .....Appellants

Versus

Smt.Lajwanti and others .....Respondent

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Naresh Katyal, Advocate for the appellants.

S. D. ANAND, J.

Both the Courts (learned Trial Court and also the learned First Appellate Court) held the appellants accountable for the delay in the disbursement of the relevant pensionary benefits to the plaintiff-respondent and burdened them with the payment of interest @ 9% per annum.

Learned counsel for the appellants argues that the impugned findings deserve to be reversed inasmuch as it was a case of voluntary retirement and not a retirement on superannuation.

The plea is plainly illogical. Concededly, the plaintiff-respondent had initially issued a notice dated 24.1.2001 announcing his intention to obtain voluntary retirement w.e.f. 31.5.2001. He issued another notice pre-poning the proposed date of voluntary retirement. Whether an employee retires on superannuation or on voluntary retirement, the Competent Authority is charged with the responsibility of ensuring the payment of retiral benefits to the employee within a reasonable time. In the

present case, all the retiral benefits (G.P.Fund, leave encashment, gratuity and commuted pension) were paid much after the date of retirement. For example, the plaintiff-respondent retired on 31.5.2001. G.P.Fund, leave encashment, gratuity and commuted pension were paid to him on 16.8.2001, 16.10.2001, 14.12.2001 and 13.3.2002. Both the Courts have recorded justified reasons for the award of interest payable by the appellants to the respondent in the context.

Dismissed.

(S. D. ANAND)
JUDGE

September 10, 2007
SRM